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Attorneys for Debtors

HON. BRIAN D. LYNCH
Chapter 11
Location: Courtroom I
Hearing Date: January 18, 2018
Hearing Time: 9:30 a.m.
Response Due: January 11, 2018

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

11 In Re:

12 OLYMPIA OFFICE LLC; WA PORTFOLIO LLC;
13 MARINERS PORTFOLIO LLC; and SEAHAWK
PORTFOLIO LLC,

14 Debtors,
15

Chapter 11
CASE NO. 17-44721-BDL-Lead Case
(*Jointly Consolidated*)

DEBTORS' SURREPLY OBJECTION AND
REQUEST TO STRIKE NOTEHOLDERS'
UNTIMELY REPLY AND OBJECTION IN
SUPPORT OF NOTEHOLDER'S DUAL
MOTIONS

DEBTORS' SURREPLY OBJECTION AND REQUEST TO STRIKE
NOTEHOLDERS' UNTIMELY REPLY AND OBJECTION IN
SUPPORT OF NOTEHOLDER'S DUAL MOTIONS

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1 Debtors object to MLMT2005-MCP1 Washington Office Properties, LLC (“Noteholder” or
2 “MLMT”), late filed reply and objection (filed on Martin Luther King Day, January 15, 2018 at 5:37
3 pm and 5:41 pm, respectively). The Birthday of Martin Luther King, Jr. is a legal public holiday.¹
4 Noteholder, without consulting Debtors and without verifying availability, elected to seek its dual
5 motions for relief from stay and/or dismissal of the Debtors’ bankruptcies on shortened time. Yet,
6 Noteholder also seeks to ignore the local rules of this Court in at least two ways.

7 First, rule 9013-1(d)(8) of the Local Rules W.D. Wash. Bankr. governs the briefing schedule,
8 including replies. *See also* Rule 9013-1-(d)(6). Rule 9013-1(d)(8) provides that prior to a Thursday
9 hearing (as is the case here), a reply must be filed on the Monday preceding the hearing date, except
10 “[i]n the event any of the days falls upon a legal holiday, ***then the deadline for the event shall be***
11 ***determined by counting backward*** until a day that is not a Saturday, Sunday or legal holiday.”
12 (emphasis added). Monday was a legal holiday. The reply brief was therefore due on January 12,
13 2018, not three days later when it was filed. Rule 9013-1(d)(7) provides that the “[f]ailure of a party to
14 file and/or serve the papers as required by this rule may be deemed by the court to be an admission that
15 the motion, or opposition to the motion, as the case may be, is without merit.” Debtors request the
16 Court strike the reply and deny Noteholder’s motions.

17 Second, the brief and objection are significantly over-length. The brief contains multiple pages
18 of single spaced text designed to circumvent the page limit, as well as an entirely separate document
19 purporting to object to evidence attached in support of Debtors’ opposition. This too is improper. The
20 Local Civil Rules for the Western District of Washington^{7(g)}² provides that “[r]equests to strike
21 material contained in or attached to submissions of opposing parties shall not be presented in a separate
22 motion to strike, but shall instead be included in the responsive brief, and will be considered with the
23 underlying motion.”³ Debtors request the Court strike the Noteholder’s objection.

26 ¹ See, https://www.ca9.uscourts.gov/content/view.php?pk_id=0000000490. *See also*, 5 U.S. Code § 6103.

27 ² Made applicable here by Local Rules W.D. Wash. Bankr. 9029-2.

³ Debtors’ objection falls within the only exception to this rule, as it is in response to documents “contained in or attached to a reply brief.” LCR 7(g).

1 DATED this 16th day of January, 2018.

2 /s/ Daniel A. Brown, WSBA #22028
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12 *Attorneys for Debtors Olympia Office LLC; WA*
13 *Portfolio LLC; Mariners Portfolio LLC; and*
14 *Seahawk Portfolio LLC*

15 **PROOF OF SERVICE**

16 The undersigned hereby certifies that on January 16, 2018, I electronically filed the
17 foregoing with the Clerk of the Court using the CM/ECF system, which will send
18 notification of such filing to the CM/ECF participants.

19 DATED this 16th day of January, 2018.

20 /s/ Daniel A. Brown, WSBA #22028
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